

## ORIGINAL

FILED IN THE UNITED STATES DISTRICT COURT
DISTRICT OF HAVING

MAR 14 2008 (0 mm. o'clock and \_\_ SUE BEITIA, CLERK

## PETITION FOR ABATEMENT

To: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII. 300 Ala Moana Blvd., Honolulu, Hawaii, u.S.A., [96858]

In Care Of: Court Clerk, FOR: Judge Susan Oki Mollway

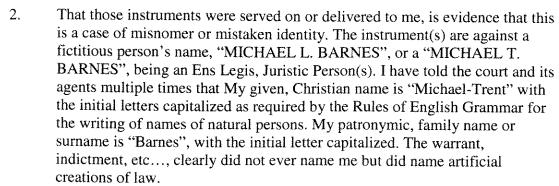
FROM: Petitioner, Michael-Trent: Barnes, In Care Of Non-assumptive Postal Service Address: 6000 N.E. 80th Ave... Portland, Oregon, u.S.A. [97218]

In Regards to: Warrant, Indictment, all other subsequent procedures and paper work in Case No. 03-00502-SOM et al.,

COMES NOW, Michael-Trent: Barnes, to petition this Honorable court to

Abate the above-referenced Warrant, Indictment, etc..., on the following grounds:

The Warrant, Indictment, etc..., is against a MICHAEL L. BARNES and/or a MICHAEL T. BARNES, a fictitious named "person", was delivered into my hands in the month of October 2003 C.E. As a prudent man being held in restraint who feared out rightly just ignoring said legal fiction, which might well of resulted in a more coercive procedures being used against me, and I being unlearned in your law and legal procedures. I requested assistance of counsel, the counsel which was provided was faulty! I declared to the court and alleged counsel, that the "name" was wrong which appeared upon the documents, from the beginning, but this fundamental and blatant error has never been corrected, and as such has worked as a restraint upon my liberty, by denying due process, and has led to my subsequent claims of "Fraud" in this matter.



- 3. If the complainant or accuser has any complaint/claim or argument against me, He/She shall bring said complaint/claim or accusation against my real name. My objection herein will make it possible for the complainant or accuser to issue a better writ, which is the primary purpose of matters in abatement. Also this will allow me to stop making claims of "Fraud" in this matter, as my true and correct name will then appear in this alleged case.
- 4. I am who I say I am, not who the alleged prosecutor says I am!
- This is by content, grounds, intent and definition is a petition in abatement, 5. and not a plea in bar; and may not be construed as a motion for dismissal or for mere amendment of the instruments. It may be justly resolved only by abatement by the court.
- Constructive Notice: When a petition for abatement is before a court, that 6. court is charged with, according to, (cause to conform, agree, or harmonize with) the defendant/petitioner the benefit of the doubt. Also, courts should take cognizance of the law that provides: Where conditions for its issuance exists abatement is a matter of right, not discretion; The misnomer or misdescription of a party, the petitioner, is ground's for abatement; and grounds for abatement are the same for equity and law cases.
- Further, "laches" and "lapse in time" are not applicable as I have been 7. claiming "Fraud" because of this misnomer and/or intentional misidentification, I herein apologize for my ignorance of the correct procedure in my previous request(s) for abatement through the past filings and declarations of my correct name and status before this court.
- I herein advise this Honorable court and Judge Susan Oki Mollway, that in the 8. absence of the granting of my petition for abatement, thereby placing my true and correct name upon the court documents. One shall assume that all Acts, Actions, Judgements, Orders, are Null and Void ab initio. Any further restraint upon my liberty without even a "Lawful Arrest Warrant" shall be considered a "Private Act" with no lawful authority or force behind it.

FURTHER I SAYETH NOT, henceforth I shall remain mute.

Michael-Trent: Barnes, Secured Party/Creditor